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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,152	07/23/2001	Michael L. Howard	2291.2.14	4493
21552	7590	07/25/2006	EXAMINER	
MADSON & AUSTIN GATEWAY TOWER WEST SUITE 900 15 WEST SOUTH TEMPLE SALT LAKE CITY, UT 84101			TRAN, PHUC H	
		ART UNIT	PAPER NUMBER	
		2616		

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/911,152	HOWARD ET AL.	
	Examiner	Art Unit	
	PHUC H. TRAN	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 May 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Natalini et al. (Pub. No. 2002/0095269 A1) in view of Kermode et al (Pub. No. 2004/0203592 A2).
 - With respect to claims 1, 8, and 15-20, Natalini teaches a combined telephone network interface and gateway for facilitating communications through use of a telephone with an embedded device and for facilitating communications between a remote service provider and the embedded device (e.g. Fig. 1), the combined telephone network interface and gateway comprising:
 - a telephone interface for electronic communication with a telephone (e.g. the user and the remote 50 in Fig. 1);
 - an external telephone network interface for connecting the telephone network interface to an external telephone network (e.g. the service companies or center in Fig. 1);
 - a gateway for electronic communications with the embedded device (block 42 in Fig. 1), the gateway being programmed to communicate with the embedded device, and the gateway also being programmed to enable communications with the embedded device from a control service provider (e.g. links of gateway and embedded devices communicate to each other in Fig. 1);

connection control (e.g. the remote control 50 in Fig. 1), the connection control operating to cause the telephone to be selectively in electronic communication with the external telephone network for telephone calls such that a user at the telephone is capable of dialing out and is capable of receiving an incoming telephone call (e.g. the user communicate with service center or companies through remote center), and wherein the gateway is in electronic communication with the embedded device (e.g. the gateway periodically polls the monitoring subsystems), and the connection control operating to selectively cause the gateway to be in electronic communication with the external telephone network to enable electronic communications between a control service provider and the gateway (see page 3 paragraph 30), and wherein the gateway comprises devices information about the embedded device (see paragraph 52 that gateway retain statistical data from subsystem). Natalini fails to teach the telephone communicates with embedded devices. Kermode teaches the telephone communicates with embedded devices through gateway (Fig. 2 and 3A). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the method of communication between user and embedded devices to Natalini for controlling and monitoring devices.

- With respect to claims 2, and 9, Natalini further comprising a plurality of telephone interfaces for electronic communications with a plurality of telephones (e.g. number of users communicate with remote to service center).
- With respect to claims 3, and 10, Natalini discloses wherein the control service provider communicates with the telephone network interface through use of a telecommunications network (e.g. PSTN).

- With respect to claims 4-5, and 11-12, Natalini teaches wherein the control service provider communicates with the telephone network interface through use of a global computer network (e.g. the user and service center or companies could communicate through use of a global computer network).

- With respect to claims 6, and 13, Natalini teaches wherein the control service provider includes schedule data to indicate when certain messages are to be sent to certain embedded devices (see paragraph 31).

- With respect to claims 7, and 14, Natalini discloses wherein the control service provider includes device location data to indicate the address of certain embedded devices (see paragraph 61).

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishikawa et al. (Pub. No. 2002/0062365 A1) discloses control of electronic appliances over network.

Vasell et al. (U.S. Patent No. 64996575 B1) discloses application and communication platform for connectivity based services.

Sharood et al. (U.S. Patent No. 6453687 B2) discloses refrigeration monitor unit.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
2/4/06



CHI PHAM
SUPERVISORY PATENT EXAMINER
7/21/02